

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LINDA L. SUN  
Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2011-585**

11 **FELICITAS E. DOMENICK, AKA**  
12 **FELICITAS E. MONDO DE**  
13 **FROIDEVILLE**  
14 **341 S. Hamilton Avenue**  
**San Pedro, CA 90732**  
**Registered Nurse License No. 219436**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.
- 22 2. On or about September 30, 1971, the Board issued Registered Nurse License Number  
23 219436 to Felicitas E. Domenick, aka Felicitas E. Mondo de Froideville (Respondent). The  
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on June 30, 2011, unless renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 9. California Code of Regulations, title 16, section 1443.5 states:

2 "A registered nurse shall be considered to be competent when he/she consistently  
3 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
4 sciences in applying the nursing process, as follows:

5 "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
6 and behavior, and through interpretation of information obtained from the client and others,  
7 including the health team.

8 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
9 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
10 for disease prevention and restorative measures.

11 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
12 treatment to the client and family and teaches the client and family how to care for the client's  
13 health needs.

14 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
15 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
16 effectively supervises nursing care being given by subordinates.

17 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
18 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
19 communication with the client and health team members, and modifies the plan as needed.

20 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
21 health care or to change decisions or activities which are against the interests or wishes of the  
22 client, and by giving the client the opportunity to make informed decisions about health care  
23 before it is provided."

24 **COST RECOVERY PROVISION**

25 10. Code section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

**PATIENT J.H.**

11. From about July 2007 to October 2008, Respondent was employed as a home health nurse at Homecare Advantage, Inc. On or about July 8, 2008, Homecare Advantage, Inc. received J.H., an 85 year-old patient with diagnoses of constipation, osteoporosis, organic brain syndrome and difficulty walking. The plan of care for the certification period July 8, 2008 to September 5, 2008 included skilled nursing visits to Patient J.H. at Caring Hands Two (a board and care facility) twice a week for one week and once a week for two weeks. Respondent was assigned to provide care to Patient J.H. from about July 8, 2008 to August 15, 2008.

12. On or about July 23, 2008, during the second scheduled visit, Respondent documented a Stage II pressure sore on Patient J.H.'s coccyx (1.5cm x 1.5cm). Respondent documented cleaning the pressure sore with normal saline, applied xeroform and DuoDerm. Respondent noted instructing Patient J.H.'s primary caregiver (PCG) to keep the patient off the tailbone, position side to side every 2 hours, limit sitting up, and use gel pad on chair. Physician's order instructs the nurse to teach the PCG wound care, to perform pressure ulcer care every 5 to 7 days, and when dressing became soiled.

13. On or about July 31, 2008, Respondent noted a scrape on Patient J.H.'s left arm and right lower leg, and continued to have a pressure sore on the coccyx (1.5cm x 1.5cm) with mild odor. Respondent documented performing wound care. Physician's order instructs the nurse to teach the PCG daily wound care.

14. On or about August 7, 2008, Respondent documented slight improvement of the pressure sore (.75cm x 1cm) and scrape on the left arm. She further noted a scrape on right lower leg just above the knee. Respondent documented performing wound care. She documented instructing PCG to cover the rough part of the wheelchair, to continue to keep the patient off the back and to turn the patient from side to side.

15. On or about August 15, 2008, Respondent documented Patient J.H.'s decreased blood pressure (80/56), increased respiration rate at 36/min, poor appetite and the increase of size (4cm x 6cm x 1cm), drainage and foul odor of the pressure sore. Respondent documented that the PCG agreed to monitor the patient's blood pressure and respirations, and to change the pressure sore

1 dressing whenever necessary, clean with normal saline and apply xeroform, and dressings to  
2 allow drainage. Later that day, Respondent received orders from the physician's office to start  
3 Keflex 250 mg (oral antibiotic) four times a day for seven days, discontinue Triamterine (for  
4 hypertension), monitor blood pressure, respirations, and continue wound care. There was no  
5 documentation Keflex was administered as ordered.

6 16. Respondent was out of town from about August 16, 2008 to August 17, 2008. On or  
7 about August 17, 2008, Respondent documented a telephonic communication with the PCG who  
8 reported to Respondent that Patient J.H. was weaker, less responsive, slept a lot, refused to eat,  
9 and was taking liquids with difficulty. Respondent documented the plan was to continue to  
10 monitor the blood pressure and respirations, to contact the physician and to call an ambulance.  
11 Patient J.H. was later transported to the hospital's emergency room with acute respiratory failure  
12 and septic shock, acute pneumonia, altered level of consciousness, urinary tract infection. The  
13 patient also sustained multiple pressure ulcers, including at the following locations: left heel (6cm  
14 x 7cm), right heel (8cm x 4cm), right lateral lower extremity (8cm x 5cm), mid lower back  
15 (6.5cm x 6.6cm), sacral (4cm x 3 cm with deep tissue injury), and mid back (13.5cm x 5.5cm).  
16 Patient J.H. was intubated, placed on a ventilator, and later transferred to the intensive care unit.

#### 17 FIRST CAUSE FOR DISCIPLINE

#### 18 (Unprofessional Conduct - Gross Negligence)

19 17. Respondent is subject to disciplinary action under Code section 2761, subdivision  
20 (a)(1) as defined under California Code of Regulations, title 16, section 1442 in that Respondent  
21 committed gross negligence in her care of Patient J.H. The circumstances are as described in  
22 paragraphs 11 -16 above and as follows:

- 23 a. On or about July 23, 2008, after noting that Patient J.H.'s conditions had changed and  
24 required wound care, Respondent failed to perform a reassessment of the patient.
- 25 b. On or about July 23, 2008, after noting that Patient J.H.'s conditions had changed and  
26 required wound care, Respondent failed to coordinate care with the patient's family, the  
27 physician, the Director of Patient Care Services (DPCS) for Homecare Advantage, Inc.,  
28 the PCG, and/or any staff members at Caring Hands Two.

- 1 c. On or about July 23, 2008 and July 31, 2008, the physician ordered Respondent to  
2 instruct the PCG to perform wound care. From July 23, 2008 to August 15, 2008,  
3 Respondent failed to follow physician's order, and/or failed to document that she  
4 instructed the PCG to perform wound care between visits, and/or effectively supervise  
5 the performance of the wound care.
- 6 d. On or about August 15, 2008, Respondent failed to recognize the seriousness of Patient  
7 J.H.'s systemic infection symptoms. Respondent failed to revise the plan of care, failed  
8 to increase the visit frequency, and failed to report the patient's changed conditions to  
9 or coordinate care with the patient's family, the Director of Patient Care Services  
10 (DPCS) for Homecare Advantage, Inc., and/or any staff members at Caring Hands Two.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct - Incompetence)**

13 18. Respondent is subject to disciplinary action under Code section 2761, subdivision  
14 (a)(1) as defined under California Code of Regulations, title 16, section 1443 in that Respondent  
15 was incompetent in her care of Patient J.H. The circumstances are as described in paragraphs 11  
16 – 16 above and as follows:

- 17 a. Respondent's initial comprehensive assessment failed to identify the risks of Patient  
18 J.H. developing pressure ulcers using clinical judgment or a standardized tool for  
19 assessing the risk of pressure ulcers.
- 20 b. Respondent's plan of care did not address specific interventions aimed at preventing the  
21 development of pressure ulcers.
- 22 c. Respondent failed to report any concerns with the patient's family, the physician, the  
23 DPCS for Homecare Advantage, Inc., the primary care giver, and/or any staff members  
24 at Caring Hands Two in order to coordinate care for Patient J.H.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 219436, issued to Felicitas E. Domenick, aka Felicitas E. Mondo de Froideville;
2. Ordering Felicitas E. Domenick, aka Felicitas E. Mondo de Froideville to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

*12/30/10*

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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1 c. Statements of witnesses then proposed to be called by the Respondent and  
2 of other persons having personal knowledge of the acts, omissions or events which are the  
3 basis for the proceeding, not included in (a) or (b) above;

4 d. All writings, including but not limited to reports of mental, physical and  
5 blood examinations and things which the Respondent now proposes to offer in evidence;

6 e. Any other writing or thing which is relevant and which would be  
7 admissible in evidence, including but not limited to, any patient or hospital records  
8 pertaining to the persons named in the pleading;

9 f. Investigative reports made by or on behalf of the Respondent pertaining  
10 to the subject matter of the proceeding, to the extent that these reports (1) contain the names  
11 and addresses of witnesses or of persons having personal knowledge of the acts, omissions  
12 or events which are the basis for the proceeding, or (2) reflect matters perceived by the  
13 investigator in the course of his or her investigation, or (3) contain or include by attachment  
14 any statement or writing described in (a) to (e), inclusive, or summary thereof.

15 For the purpose of this Request for Discovery, "statements" include written statements by  
16 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical  
17 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or  
18 summaries of these oral statements.

19 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery  
20 should be deemed to authorize the inspection or copying of any writing or thing which is  
21 privileged from disclosure by law or otherwise made confidential or protected as attorney's work  
22 product.

23 Your response to this Request for Discovery should be directed to the undersigned attorney  
24 for the Complainant at the address below within 30 days after service of the Accusation.

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1 Failure without substantial justification to comply with this Request for Discovery may  
2 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the  
3 Government Code.

4 Dated: 12/30/2010  
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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**Felicitas E. Domenick  
a.k.a. Felicitas E. Mondo De Froideville  
341 S Hamilton Ave  
San Pedro, CA 90732**

**Registered Nurse License No. 219436**

Respondent.

Case No. 2011-585

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: \_\_\_\_\_

Respondent's Name: \_\_\_\_\_

Respondent's Signature: \_\_\_\_\_

Respondent's Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Respondent's Telephone: \_\_\_\_\_

**Check appropriate box:**

- ☐ The above is my new address of record.
- ☐ I do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone Number \_\_\_\_\_

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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Dated: \_\_\_\_\_

Respondent's Name: \_\_\_\_\_

Respondent's Signature: \_\_\_\_\_

Respondent's Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Respondent's Telephone: \_\_\_\_\_

**Check appropriate box:**

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Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone Number \_\_\_\_\_

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7  
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

## **SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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